

REMARKS/ARGUMENTS

Applicant responds herein to the Office Action of March 15, 2010.

Claims 1-15 are pending in the Application. All claims were rejected in the Office Action. Applicant amends Claims 1-15 and respectfully requests reconsideration of the rejections. Claims were amended only for reasons of clarity and to comply with the requirements of 35 U.S.C. 112.

Claims 4-5 were rejected in the Office Action under 35 U.S.C. 112, second paragraph, as being indefinite. Applicant amended Claims 4 and 5 to comply with the requirements of Section 112, second paragraph. Withdrawal of the rejection is respectfully requested.

Claims 1-4, 6-10 and 15 were rejected under 35 U.S.C. 102(b) as being anticipated by Hurvitz (U.S. Patent No. 3,374,783). Applicant respectfully disagrees.

Claim 1 recites a positioning device 10 in combination with an apparatus for treating sudden cardiac arrest in a patient, the device preventing the apparatus from moving in a caudal direction A. See, Application, Fig. 1. As shown in Fig. 1, the apparatus includes a frame 1-3 enclosing the patient at a sternal transversal plane, and a pneumatic compression/decompression unit 9 mounted on the frame. The positioning device includes a flexible strap 10 having a first end with a first portion 11 extending therefrom, a second end with the second portion 13 extending therefrom and a tensioning component 27-29 disposed between the first and second ends. See, Application, Fig. 2. Each end portion 11, 13 includes an attachment mechanism to attach the end portions to the apparatus, where at least one of the end portions is releasably secured to the attachment mechanism. Finally, the flexible strap has a mounted tensioned length sized to extend around the patient's neck. The above limitations of Claim 1 are not disclosed in Hurvitz.

Hurvitz discloses a heart massage unit including a pressure applicator 14 and a belt 12 extending through the pressure applicator and positioning the pressure applicator over the patient's breast bone. See, Hurvitz, col. 1, line 66 – col. 2, line 15. Belt 12 is secured to a plate 10 with buckle 21 at one of its ends. See, Hurvitz, col. 2, lines 3-12, and Figs. 1-2. Contrary to the recitations of Claim 1, nothing in Hurvitz suggests that belt 12 is sized to extend behind the patient's neck. Moreover, Hurvitz specifically discloses that the belt extends "over the patient"

and is secured to the plate 10 at each side of the patient's body. See, Hurvitz, col. 3, lines 24-25, and Figs 1-2.

Further, contrary to the recitations of Claim 1, Hurvitz's belt 12 does not include "an attachment mechanism operable for attachment of the first and second end portions to the apparatus." Specifically, in Hurvitz, the apparatus including a compression/decompression unit is the pressure applicator 14. However, there is no attachment mechanism attaching belt 12 to the pressure applicator 14. Instead, Hurvitz teaches that "the belt rides freely through slot 13 in the applicator 14." See, Hurvitz, col. 2, lines 15-16. Belt 12 is attached to the plate 10, which is neither "an apparatus for treating sudden cardiac arrest" nor its frame, as recited in Claim 1.

Additionally, belt buckle 21 of tensioning belt 12 is disposed at a separate strap mounted on the standard 11 and not "between the first and second ends" of the belt as required by Claim 1. See, Hurvitz, Fig. 1.

Finally, contrary to the recitations of Claim 1, nothing in Hurvitz suggests that belt 12 can prevent the pressure applicator from moving in a caudal direction.

Accordingly, Claim 1 is allowable over the cited prior art. Claims 2-4, 6-10 and 15 depend from Claim 1. Therefore, Claims 2-4, 6-10 and 15 are allowable over the cited prior art at least for the same reasons as Claim 1 and further on their own merits.

Claim 5 was rejected in the Office Action under 35 U.S.C. 103(a) as being unpatentable over Hurvitz. Claim 5 depends from Claim 1. Therefore, Claim 5 is allowable over the cited prior art at least for the same reasons as Claim 1 and further on its own merits.

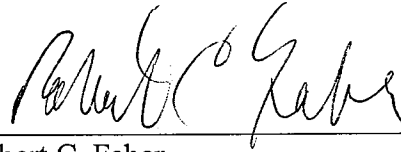
Claims 11-14 were rejected in the Office Action under 35 U.S.C. 103(a) as being unpatentable over Hurvitz in view of Waide et al. (US 5,399,148). Claims 11-14 depend from Claim 1. Therefore, Claims 11-14 are allowable over the cited prior art at least for the same reasons as Claim 1. Further, with respect to Claim 13, in Waide, the neck support 1 is not slidably displaceable along the strap 5 of Wade. Instead, the head and shoulders of the patient are disposed between a cushion on which the patient's head is resting. For an object to be considered to be slidably displaceable along another object, a continuous contact between the surfaces is required. This contact is not present in Waide. Finally, with respect to Claim 14, nothing in Waide teaches any component which hinders displacement of the neck support in its loaded state.

Favorable reconsideration of the rejections and allowance of all pending Claims is respectfully requested.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert C. Faber", is written over a horizontal line.

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